

REMARKS

Claims 1-9 are pending in the application, of which claims 1, 5 and 9 are independent claims. Reconsideration of the rejection is respectfully requested.

Applicant had previously amended independent claims 1, 5 and 9 to essentially recite that the window of the vehicle door is completely lowered as soon as a double unlock command and a simultaneous or subsequent opening of the vehicle door occurs, without requiring any further action by a user.

It appears to applicant that the office action has misinterpreted the previously amended language, which amendments were made consistent with the comments of the decision by the Board of Patent Appeals regarding the lack of a negative limitation (see Board decision, page 4, last paragraph).

In the office action, the examiner alleges that "Boehm lowers[the window] as soon as the two actions occur without requiring any further action by user." The examiner argues that "actuating the door handle 10 by a user to open the door to get inside the vehicle is a must as it is the case of the present invention, otherwise the user must jump through the window to get inside the vehicle." Such a statement misses the point of applicant's claim language, which is that the window is completely lowered as soon as the double unlock command is received and the door is opened, not that the door itself must open as is apparently the examiners' interpretation of this language.

Regarding Boehm, as can be seen from the right hand path 12 of the Figure 2 flow chart, upon receipt of the unlock command and opening of the door, the user simply enters the vehicle through the door. No complete lowering of the window occurs. In contrast, the left hand flow path 13 of Figure 2 requires not only the unlock command and opening of the door, but also the additional user action of holding the handle in an open state for an additional time period, i.e. an additional second, before the window pane is automatically lowered.

An English-language annotated version of Figure 2 in Boehm was previously submitted. Clearly, Boehm does not lower the window as soon as the double unlock command and the opening of the vehicle door occurs as is alleged by the examiner. If that were to be the case, then the right hand path 12 shown in Figure 2 of Boehm would also indicate a complete lowering of the vehicle window. This is not the case, however, because Boehm requires the additional user action of operating the door handle for an extra period of time. As such, in contrast to applicant's claims, Boehm does not completely lower the window as soon as both the double unlock command and the simultaneous or subsequent opening of the vehicle door occurs, without requiring any further action by a user.

In view of the foregoing, applicant submits claims 1-9 are patentable over Boehm. An early notice to that effect is solicited.

Application No. 09/803,360


Reply to Office Action dated August 9, 2005

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.49628).

Respectfully submitted,

November 2, 2005


Jeffrey D. Sanok
Registration No. 32,169

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JDS:vav